



PATENT APPLICATION
DOCKET NO. T8275

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Piao and Shih
SERIAL NO: 09/559,799
FILED: April 27, 2000
TITLE: MIXTURES OF VARIOUS TRIBLOCK
POLYESTER POLYETHYLENE
GLYCOL COPOLYMERS HAVING
IMPROVED GEL PROPERTIES
ART UNIT: 1616
EXAMINER: Dewitty, Robert M
DOCKET NO: T8275

CERTIFICATE OF DEPOSIT
UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to Assistant Commissioner for Patents, Box Non-Fee Amendments, Washington, D.C. 20231.

Karen Jacobson
Secretary

1-30-02
Date of Deposit

ELECTION UNDER 37 C.F.R. §§1.142 and 1.143

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This communication is in response to the Examiner's Action dated January 7, 2002.

Claims 1-36 are pending in this application.

ELECTION OF RESTRICTION REQUIREMENT

The Examiner has required that the claimed invention be restricted under 35 U.S.C. § 121, to:

Group I - Claims 1-13, drawn to a biodegradable polymeric system, classified in Class 523, subclasses 423.

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Group II - Claims 14-21, drawn to a drug delivery system, classified in class 424, subclass 70.15.

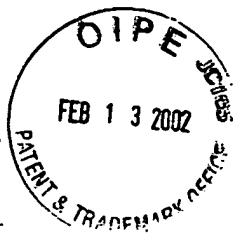
Group III - Claims 22-30, drawn to a method of administering a drug, classified in class 424, subclass 434.

Group IV - Claims 31-34, drawn to a process of preparation, classified in class 526, subclass 918.

Group IV - Claims 35-36, drawn to adjusting gelation, classified in class 424, subclass 1.25.

In response to this restriction requirement, the applicants provisionally elect, with traverse, to prosecute the claims of Group I - Claims 1-13, drawn to a biodegradable polymeric system, classified in class 523, subclasses 423.

Reconsideration of the restriction requirement is requested on the grounds that the invention is a unitary invention. The Examiner alleges that inventions I and II, I and V, II and V, III and V, and IV and V are unrelated; Groups I and III, II and III are related as product and process of use; I and IV, II and IV are related as process of making and product made; and II and IV are related as process of making and process of using the product. The Examiner states that the process can be claimed with another materially different product, such as polymers or polymeric delivery systems that can comprise a drug, or the product can be applied parenterally, orally, or rectally. The Examiner alleges "different inventions are not disclosed as capable of use together and they have different effects(Group II comprises a drug; Group V relates to improving gelation properties)".



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The applicants respectfully disagree because the Examiner submits no evidence showing that delivering an agent having pharmaceutical activities and delivering an agent having known pharmaceutical activities are materially different processes. The applicants are not aware of uses for the polymers claimed in Groups I other than as the delivering compositions used in Groups II. The Examiner submits no evidence to support the allegation that the polymers of Groups I or II can be used with different methods other than with Group III, IV and V. In addition, the fact that Groups II, III and V are classified in the same class shows that these groups are similar enough that it would not create an undue burden for the examiner to examine both of these groups concurrently. Therefore, the applicant respectfully requests reconsideration in this matter and withdrawal of this requirement.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment to Deposit Account No. 20-0100.

Dated this 30th day of January, 2002.

Respectfully submitted,

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